

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DOLORES (DEE) BARRETT	:	
	:	
V.	:	CIVIL ACTION - LAW
	:	
THE GREATER HATBORO CHAMBER OF COMMERCE, INC.; JOHN J.(BUD) :		NO. 02 -cv-4421
AIKEN, AND MICKEY GLANTZ	:	JURY TRIAL DEMANDED

**PLAINTIFF'S ANSWER TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

AND NOW, this day of January 2005, comes Plaintiff Dolores (Dee) Barrett, by and through counsel, Anita F. Alberts Esquire, and requests this Honorable Court to deny defendants' motion for summary judgment for the following reasons:

1. Defendants attempt to manufacture evidence to support their contention that genuine diversity of citizenship is somehow lacking; Plaintiff had changed her domicile from Pennsylvania to New Jersey and was a citizen of New Jersey when this action was filed in July 2002. See 2002 NJ Homestead Tax Rebate Application, and 2002 NJ1040 tax form attached to Affidavit of Plaintiff, Exhibit "A" hereto.

2. Plaintiff and her husband moved to New Jersey in April 2001 when Mrs. Barrett became employed as Executive Director of the Greater Wildwood Hotel Motel Association (GWHMA) after her job search in Pennsylvania failed, because defendants publicly announced she had been fired.

3. Plaintiff's husband, an engineer, was employed by Lockheed Martin in Moorestown New Jersey for years before Plaintiff was employed by GWHMA. Mr. and Mrs. Barrett's current checking and savings accounts were opened in New Jersey 15 years ago because Mr. Barrett

worked in that state. All of Plaintiff's income is earned and taxed in New Jersey. She pays New Jersey local and state taxes.

4. Plaintiff has not voted in Pennsylvania since she became employed with GWHMA in April 2001 because she was working on election days. She did not obtain absentee ballots to vote in Pennsylvania. She is a registered voter in New Jersey and is active in local politics there.

5. The nature of Plaintiff's job requires her constant involvement in civic and business organizations in New Jersey. She has established and maintained domicile in New Jersey and intends to remain a citizen of New Jersey indefinitely.

6. Contents of Plaintiff's Memorandum of Law and Affidavit opposing Summary Judgment are incorporated herein as if set forth in full, in the interest of brevity.

WHEREFORE, Plaintiff respectfully requests that Defendants' Motion for Summary Judgment be denied, dismissed and overruled.

Respectfully submitted,

AFA2128

Anita F. Alberts Esquire ID # 28086
Counsel for Plaintiff Dee Barrett
The Atrium Suite 2 West
301 South Main Street
Doylestown PA 18901
(215) 340-0700
FAX (215) 340-2747